

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**CHRISTIAN MORRIS SCHRAMM,**

**Plaintiff,**

**v.**

**No. 15-cv-0187 SMV**

**CAROLYN W. COLVIN,  
Acting Commissioner of Social Security Administration,**

**Defendant.**

**ORDER GRANTING PLAINTIFF'S MOTION  
FOR ATTORNEY FEES UNDER EAJA**

THIS MATTER is before the Court on Plaintiff's Unopposed Motion for Attorney Fees Pursuant to Equal Access to Justice Act, with Memorandum in Support [Doc. 28], filed on February 12, 2016. Plaintiff requests attorney fees in the amount of \$4,707.52. The motion is unopposed. [Doc. 28] at 2. The Court, having considered the Motion, the record in this case, and the relevant law, and being otherwise fully advised in the premises, **FINDS** that the motion is well-taken and will be **GRANTED**.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Plaintiff's Unopposed Motion for Attorney Fees Pursuant to Equal Access to Justice Act [Doc. 28] is **GRANTED**, and Plaintiff Christian Morris Schramm is authorized to receive **\$4,707.52** for payment to his attorney for services before this Court, as permitted by the Equal Access to Justice Act, 28 U.S.C. § 2412, and in accordance with *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007).

**IT IS FURTHER ORDERED** that if Plaintiff's counsel is ultimately granted attorney fees pursuant to 42 U.S.C. § 406(b) of the Social Security Act, counsel shall refund the smaller award to Plaintiff pursuant to *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002) ("Congress harmonized fees payable by the Government under EAJA with fees payable under § 406(b) out of the claimant's past-due Social Security benefits in this manner: Fee awards may be made under both prescriptions, but the claimant's attorney must refun[d] to the claimant the amount of the smaller fee.") (internal quotation marks omitted).

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**  
**Presiding by Consent**